

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

NINETY-SIXTH LEGISLATIVE DAY
FRIDAY, APRIL 17, 2009

House of Representatives

The House convened at 9:30 a.m., Mr. Moyle in the Chair.

Roll call showed 66 members present.

Absent and excused – Black, Takasugi, Wills, Mr. Speaker.

Total – 4.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Spencer Powell, Page.

Approval of Journal

April 17, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Ninety-fifth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

April 16, 2009

Mr. Speaker:

I return herewith enrolled [H 146](#), as amended, [H 261](#), [H 229](#), [H 245](#), [H 251](#), [H 244](#), as amended, [H 253](#), [H 260](#), [H 265](#), [H 240](#), as amended, [H 264](#), [H 266](#), [HCR 25](#), [H 281](#), [H 269](#), and [H 232](#), as amended in the Senate, which have been signed by the President.

WOOD, Secretary

Enrolled [H 146](#), as amended, [H 261](#), [H 229](#), [H 245](#), [H 251](#), [H 244](#), as amended, [H 253](#), [H 260](#), [H 265](#), [H 240](#), as amended, [H 264](#), [H 266](#), [H 281](#), [H 269](#), and [H 232](#), as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

Enrolled [HCR 25](#) was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

April 16, 2009

Mr. Speaker:

I transmit herewith [S 1204](#) and [S 1215](#) which have passed the Senate.

WOOD, Secretary

[S 1204](#) and [S 1215](#) were filed for first reading.

April 16, 2009

Mr. Speaker:

I transmit herewith [S 1166](#), as amended, and [S 1182](#), as amended, which have passed the Senate.

WOOD, Secretary

[S 1166](#), as amended, and [S 1182](#), as amended, were filed for first reading.

April 16, 2009

Mr. Speaker:

I return herewith [H 276](#), [H 268](#), [H 272](#), [H 273](#), [H 274](#), [H 277](#), [H 280](#), [H 282](#), [H 283](#), [H 284](#), [H 290](#), [H 291](#), [H 292](#), [H 293](#), [H 294](#), [H 295](#), [H 296](#), [H 297](#), [H 298](#), and [H 300](#) which have passed the Senate.

WOOD, Secretary

[H 276](#), [H 268](#), [H 272](#), [H 273](#), [H 274](#), [H 277](#), [H 280](#), [H 282](#), [H 283](#), [H 284](#), [H 290](#), [H 291](#), [H 292](#), [H 293](#), [H 294](#), [H 295](#), [H 296](#), [H 297](#), [H 298](#), and [H 300](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

April 17, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 323](#), [H 324](#), [H 325](#), [H 326](#), and [H 327](#).

CLARK, Chairman

[H 323](#), [H 324](#), [H 325](#), [H 326](#), and [H 327](#) were filed for second reading.

April 17, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 24](#).

CLARK, Chairman

The Speaker Pro Tem announced the Speaker was about to sign enrolled [H 24](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

April 16, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [S 1184](#) and recommend that it do pass.

LOERTSCHER, Chairman

[S 1184](#) was filed for second reading.

April 16, 2009

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [SCR 112](#) and recommend that it do pass.

BLOCK, Chairman

[SCR 112](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

[S 1204](#) and [S 1215](#), by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

[S 1166](#), as amended, by State Affairs Committee, was introduced, read the first time by title, and referred to the Business Committee.

[S 1182](#), as amended, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 315](#), [H 316](#), [H 317](#), [H 318](#), [H 319](#), [H 320](#), [H 321](#), and [H 322](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[S 1217](#), [S 1218](#), [S 1219](#), [S 1220](#), and [S 1221](#), by Finance Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 313](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Wood(27) to open debate.

The question being, "Shall [H 313](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hartgen, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wood(27). Total – 52.

NAYS – Barrett, Burgoyne, Clark, Durst, Hagedorn, Hart, Harwood, Higgins, Loertscher, Nielsen, Nonini, Palmer, Schaefer. Total – 13.

Absent and excused – Black, Takasugi, Wills, Wood(35), Mr. Speaker. Total – 5.
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 313](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 314](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. McGeachin to open debate.

The question being, "Shall [H 314](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hartgen, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wood(27), Wood(35). Total – 58.

NAYS – Barrett, Clark, Durst, Hagedorn, Hart, Harwood, Higgins, Schaefer. Total – 8.

Absent and excused – Black, Takasugi, Wills, Mr. Speaker. Total – 4.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 314](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 286](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Henderson to open debate.

The question being, "Shall [H 286](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bilbao, Block, Boe, Bolz, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Luker, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Wood(27), Wood(35). Total – 60.

NAYS – Barrett, Boyle, Loertscher, Marriott, Palmer. Total – 5.

Absent and excused – Bell, Black, Takasugi, Wills, Mr. Speaker. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 286](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke asked unanimous consent that [SCR 111](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[SCR 111](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Smith(24) to open debate.

The question being, "Shall [SCR 111](#) be adopted?"

Whereupon the Speaker Pro Tem declared [SCR 111](#) adopted by voice vote and ordered the resolution returned to the Senate.

Mr. Bedke asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, April 20, 2009. There being no objection, it was so ordered.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [H 315](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 315](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Wood(27), Wood(35). Total – 64.

NAYS – Durst. Total – 1.

Absent and excused – Anderson, Black, Takasugi, Wills, Mr. Speaker. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 315](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Wood(27) to open debate.

The question being, "Shall [H 315](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hartgen, Henderson, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Sayler, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Thayn, Thompson, Trail, Wood(27), Wood(35). Total – 56.

NAYS – Burgoyne, Clark, Durst, Hagedorn, Hart, Harwood, Higgins, Rusche, Schaefer, Smith(24). Total – 10.

Absent and excused – Black, Takasugi, Wills, Mr. Speaker. Total – 4.

Paired Votes:

AYE -- Anderson NAY -- Higgins

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 315](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [H 319](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 319](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott,

Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Wood(27), Wood(35). Total – 64.

NAYS – Durst. Total – 1.

Absent and excused – Anderson, Black, Takasugi, Wills, Mr. Speaker. Total – 5.

Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 319](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Wood(27) to open debate.

The question being, "Shall [H 319](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hartgen, Henderson, Jaquet, Jarvis, Killen, Labrador, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Wood(27), Wood(35). Total – 53.

NAYS – Barrett, Boe, Burgoyne, Clark, Durst, Hagedorn, Hart, Harwood, Higgins, King, Loertscher, Schaefer. Total – 12.

Absent and excused – Black, Kren, Takasugi, Wills, Mr. Speaker. Total – 5.

Paired Votes:

AYE -- Anderson NAY -- Higgins

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 319](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [H 320](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 320](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Wood(27), Wood(35). Total – 64.

NAYS – Durst. Total – 1.

Absent and excused – Anderson, Black, Takasugi, Wills, Mr. Speaker. Total – 5.
Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 320](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Wood(27) to open debate.

The question being, "Shall [H 320](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Eskridge, Gibbs, Hartgen, Henderson, Jaquet, Jarvis, Killen, King, Labrador, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Wood(27), Wood(35). Total – 55.

NAYS – Barrett, Clark, Durst, Hagedorn, Hart, Harwood, Higgins, Loertscher, Nielsen, Schaefer. Total – 10.

Absent and excused – Black, Kren, Takasugi, Wills, Mr. Speaker. Total – 5.

Paired Votes:

AYE -- Anderson NAY -- Durst
(Pairs enumerated in roll call above.)
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 320](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke moved that all rules of the House interfering with the immediate consideration of [H 322](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 322](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayn, Thompson, Trail, Wood(27), Wood(35). Total – 64.

NAYS – Durst. Total – 1.

Absent and excused – Anderson, Black, Takasugi, Wills, Mr. Speaker. Total – 5.
Total – 70.

Whereupon the Speaker Pro Tem declared that more than two-thirds of the membership having voted in the affirmative,

the motion carried, the rules were suspended, and [H 322](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Wood(27) to open debate.

The question being, "Shall [H 322](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Chadderdon, Clark, Collins, Crane, Eskridge, Gibbs, Hartgen, Henderson, Jarvis, Kren, Labrador, Lake, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Shepherd(02), Shepherd(08), Shirley, Simpson, Stevenson, Thayn, Thompson, Wood(27). Total – 40.

NAYS – Barrett, Boe, Burgoyne, Chavez, Chew, Cronin, Durst, Hagedorn, Hart, Harwood, Higgins, Jaquet, Killen, King, Loertscher, Pasley-Stuart, Pence, Ringo, Ruchti, Rusche, Sayler, Schaefer, Smith(30), Smith(24), Trail. Total – 25.

Absent and excused – Black, Takasugi, Wills, Wood(35), Mr. Speaker. Total – 5.

Paired Votes:

AYE -- Anderson NAY -- Higgins
(Pairs enumerated in roll call above.)
Total – 70.

Whereupon the Speaker Pro Tem declared that [H 322](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Bedke moved that the House adjourn until 9:30 a.m., Monday, April 20, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 10:54 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk